

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**: CIVIL NO: C-1-00-501
: JUDGE SPIEGEL
: MAGISTRATE JUDGE HOGAN**

RUSS G. FOSTER,

Defendant.

MOTION FOR JUDGMENT DEBTOR EXAMINATION

1. Jurisdiction of this Court is invoked pursuant to Federal Rules of Civil Procedure 26, 30(a), 30(b), 69(a), 28 U.S.C. Sections 636(A)(2), 3015(a), and 3008.

2. In the above captioned case there has been a judgement entered in favor of Plaintiff and against the named defendant which has gone unsatisfied in whole or in part. To the best of the Plaintiff's knowledge, judgment debtor resides in this judicial district. The judgment has not been appealed, satisfied, vacated or reversed, and is a judgment upon which execution may properly be issued. This judgment remains unpaid, and there is now the amount of \$8,004.76 due and owing on the judgment, plus accrued interest, as of January 20, 2005. Interest will continue to accrue thereafter on the principal balance of the unpaid judgment at the applicable post-judgment interest rate until the debt is satisfied.

3. The United States of America has been unsuccessful in its attempts to have the Defendant satisfy the judgment or voluntarily supply current financial information that would facilitate payment of this debt.

WHEREUPON, the United States of America petitions this Honorable Court to enter an Order requiring the judgment debtor to appear before the Magistrate Judge Hogan at such time and place as the Court may direct and to answer questions concerning his/her assets, income, expenditures, credits, personal and real property, and to bring all information set forth in Government Exhibit A.

Respectfully submitted,

GREGORY G. LOCKHART
United States Attorney

s/Deborah F. Sanders

DEBORAH F. SANDERS (0043575)
Assistant United States Attorney
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CERTIFICATE OF SERVICE

A true copy of the above and foregoing Motion for Judgment Debtor Examination was filed with the Clerk of Court using the CM/ECF system and mailed to Russ G. Foster, Defendant, 12 Queens Court, West Chester, OH 45069, by first class mail, postage prepaid, this 21st day of January, 2005.

s/Deborah F. Sanders

DEBORAH F. SANDERS (0043575)
Assistant United States Attorney

GOVERNMENT EXHIBIT A

LIST OF ITEMS TO BRING TO JUDGMENT DEBTOR EXAMINATION

INDIVIDUAL DEBTOR

1. Earning statements from your most recent paychecks.
2. Business records for the present year and past calendar year which reflect assets, liabilities, gross receipts and expenses for any sole proprietorship, partnership or corporation in which you, or your spouse, own any interest.
3. Current bank statements for the past 12 months from all banks or other financial institutions, where any sole proprietorship, partnership, or corporation in which you, or your spouse, own any interest, or have an account of any kind.
4. Current bank statements for the past 12 months from all banks, or other institutions, where you, or your spouse, have an account of any kind.
5. All trust agreements in which you, or your spouse, are named trustor, trustee or beneficiary.
6. All deeds, leases, contracts, and other documents representing any ownership interest you, or your spouse, have in any real property, and all deeds of trust, mortgages, or other documents evidencing encumbrances of any kind on your real property.
7. All stocks, bonds, or other securities of any class you may own, by you separately or jointly with others, including options to purchase any securities.
8. Titles to all motor vehicles owned by you or your spouse.
9. All life insurance policies in which you are either the insured or the beneficiary.
10. All promissory notes held by you, and all other documents evidencing any money owed to you either now or in the future.
11. All financial statements furnished by you within the past five years.
12. All deeds, bills of sale, or other documents prepared in connection with any transfer made by you, either by gift, sale, or otherwise within the last five years.
13. A schedule of all regular expenses paid by you, such as installment debts, food, utilities, etc. Include the amount paid, the payee, and, if an installment debt, the amount of debt owing and any security pledged.
14. All documents evidencing any interest you have in any pension plan, retirement fund, or profit-sharing plan.
15. All records pertaining to your assets and finances.
16. Copies of income tax returns for the past three years.
17. All records of any unincorporated business of which you are an owner or part-owner, or have been an owner within the past three years.

